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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Proceeding	91190931
Party	Plaintiff Ipswitch, Inc.
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Submission	Motion to Consolidate
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Attachments	91190931-91193565-91195675.pdf (2 pages)(74842 bytes)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
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_____)	
Ipswitch, Inc.,)	
	Opposer,)	
v.)	Oppositions Nos.
)	91190931
)	91193565
Nero AG,)	91195675
	Applicant.)	
_____)	

JOINT MOTION FOR CONSOLIDATION
AND FOR SUSPENSION

Pursuant to Rule 42(a), Fed. R. Civ. P., Opposer Ipswitch, Inc. and Applicant Nero AG, by their respective counsel, hereby jointly move for an Order consolidating three pending oppositions, namely, Oppositions Nos. 91190391, 91193565, and 91195675, each captioned *Ipswitch, Inc. v. Nero AG*. The first two oppositions have already been consolidated by an order dated April 23, 2010.

The parties further move for an Order suspending the consolidated proceeding pending the outcome of the parties' settlement negotiations.

The ground for this motion is that these three oppositions involve the same parties, the same goods, and very similar marks: Opposition No. 91190391 concerns the mark MOVE IT, Opposition No. 91193565 concerns the mark MOVE-IT (with a hyphen); and Opposition No. 91195676 involves the mark NERO MOVE IT.


The ground for opposition are the same in each case, and the allegations made by Opposer in the oppositions are essentially identical. The issues and proofs involved in the three proceedings are expected to be essentially identical.

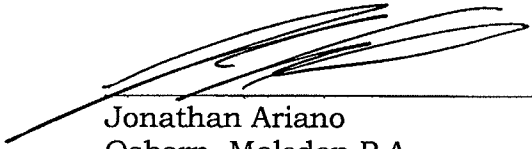
Consolidation of these three proceedings will minimize time and expense, will avoid unnecessary duplication of effort by the Board and the parties, and will clearly promote judicial efficiency. Neither party will suffer any prejudice or inconvenience by reason of consolidation.

In addition, pursuant to 37 CFR § 2.117(c), the parties request that the Board suspend the consolidated proceeding so that the parties may focus on their settlement negotiations, which are have proceeded well toward a settlement.

Ipswitch, Inc.

Nero AG


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